

CLOSED,ECF

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:13-cv-08938-RA  
Internal Use Only**

Residential Funding Company, LLC v. Suntrust Mortgage, Inc.  
Assigned to: Judge Ronnie Abrams  
Cause: 28:1332 Diversity-Breach of Contract

Date Filed: 12/17/2013  
Date Terminated: 07/03/2014  
Jury Demand: None  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Diversity

**Plaintiff**

**Residential Funding Company, LLC**

represented by **Alexander Johannes Bittner Rossmiller**  
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V.

**Defendant**

**Suntrust Mortgage, Inc.**

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Date Filed	#	Docket Text
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12/17/2013	<u>1</u>	COMPLAINT against Suntrust Mortgage, Inc. (Filing Fee \$ 350.00, Receipt Number 465401083653) Document filed by Residential Funding Company, LLC.(cde) (Additional attachment(s) added on 12/23/2013: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (msa). (Entered: 12/19/2013)
12/17/2013		SUMMONS ISSUED as to Suntrust Mortgage, Inc. (cde) (Entered: 12/19/2013)
12/17/2013		Magistrate Judge Henry B. Pitman is so designated. (cde) (Entered: 12/19/2013)
12/17/2013		Case Designated ECF. (cde) (Entered: 12/19/2013)
12/19/2013		<b>***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney DAVID E. POTTER for noncompliance with Section 14.3 of the S.D.N.Y. Electronic Case Filing Rules &amp; Instructions. E-MAIL the PDF for Document <u>1</u> Complaint to: caseopenings@nysd.uscourts.gov. (cde)</b> (Entered: 12/19/2013)
12/23/2013	<u>2</u>	ORDER AND NOTICE OF INITIAL CONFERENCE: This case has been assigned to me for all purposes. It is hereby: ORDERED that counsel for all parties appear for an initial status conference on March 7, 2014 at 10:45 a.m. in Courtroom 1506 of the U.S. District Court for the Southern District of New York, 40 Foley Square, New York, New York. IT IS FURTHER ORDERED that, by February 28, 2014, the parties submit a joint letter, not to exceed five (5) pages, providing the following information in separate paragraphs as further set forth within this order. IT IS FURTHER ORDERED that, by February 28, 2014, the parties jointly submit to the Court a proposed case management plan and scheduling order. (Initial Conference set for 3/7/2014 at 10:45 AM in Courtroom 1506, 40 Centre Street, New York, NY 10007 before Judge Ronnie Abrams.) (Signed by Judge Ronnie Abrams on 12/23/2013) (rsh) (Entered: 12/23/2013)
01/07/2014	<u>3</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Suntrust Mortgage, Inc. served on 12/24/2013, answer due 1/14/2014. Service was accepted by Chad Matice, Clerk, New York Secretary of State. Document filed by Residential Funding Company, LLC. (Potter, David) (Entered: 01/07/2014)
01/16/2014	<u>4</u>	STIPULATION: that the time for Defendant SunTrust Mortgage, Inc. to appear, move, answer or otherwise respond with respect to the Summons and Complaint shall be extended to and including Friday, March 7, 2014. Suntrust Mortgage, Inc. answer due 3/7/2014. (Signed by Judge Ronnie Abrams on 1/16/2014) (tn) (Entered: 01/16/2014)
02/10/2014	<u>5</u>	NOTICE OF APPEARANCE by John Patrick Doherty on behalf of Suntrust Mortgage, Inc.. (Doherty, John) (Entered: 02/10/2014)
02/10/2014	<u>6</u>	NOTICE OF APPEARANCE by Jennifer Susan Kozar on behalf of Suntrust Mortgage, Inc.. (Kozar, Jennifer) (Entered: 02/10/2014)
02/28/2014	<u>7</u>	JOINT LETTER addressed to Judge Ronnie Abrams from John P. Doherty, Esq. and Jeffrey A. Lipps, Esq. dated 2/28/14 re: Joint Letter in Accordance with the Order and Notice of Initial Conference Entered on December 23, 2013. Document filed by Residential Funding Company, LLC, Suntrust Mortgage, Inc..(Doherty, John) (Entered: 02/28/2014)
03/03/2014	<u>8</u>	NOTICE OF APPEARANCE by Jennifer Aiko Lynch Battle on behalf of Residential Funding Company, LLC. (Battle, Jennifer) (Entered: 03/03/2014)
03/05/2014	<u>9</u>	NOTICE OF APPEARANCE by Peter E. Calamari on behalf of Residential Funding Company, LLC. (Calamari, Peter) (Entered: 03/05/2014)
03/05/2014	<u>10</u>	NOTICE OF APPEARANCE by Isaac Nesser on behalf of Residential Funding Company, LLC. (Nesser, Isaac) (Entered: 03/05/2014)
03/05/2014	<u>11</u>	NOTICE OF APPEARANCE by Alexander Johannes Bittner Rossmiller on behalf of Residential Funding Company, LLC. (Bittner Rossmiller, Alexander) (Entered: 03/05/2014)
03/05/2014	<u>12</u>	MOTION for Jeffrey A. Lipps to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-9422918. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by Residential Funding Company, LLC. (Attachments: # <u>1</u> Supplement Certificate of Good Standing (Ohio), # <u>2</u> Text of

		Proposed Order Pro Hac Vice Proposed Order)(Lipps, Jeffrey) (Entered: 03/05/2014)
03/05/2014	<u>13</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent SunTrust Banks, Inc., Other Affiliate SunTrust Bank Holding Company, Other Affiliate SunTrust Bank for Suntrust Mortgage, Inc.. Document filed by Suntrust Mortgage, Inc..(Doherty, John) (Entered: 03/05/2014)
03/05/2014	<u>14</u>	MOTION to Dismiss <i>Complaint</i> . Document filed by Suntrust Mortgage, Inc..(Doherty, John) (Entered: 03/05/2014)
03/05/2014	<u>15</u>	DECLARATION of John P. Doherty in Support re: <u>14</u> MOTION to Dismiss <i>Complaint</i> .. Document filed by Suntrust Mortgage, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Doherty, John) (Entered: 03/05/2014)
03/05/2014	<u>16</u>	MEMORANDUM OF LAW in Support re: <u>14</u> MOTION to Dismiss <i>Complaint</i> .. Document filed by Suntrust Mortgage, Inc.. (Doherty, John) (Entered: 03/05/2014)
03/06/2014		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>12</u> MOTION for Jeffrey A. Lipps to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-9422918. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 03/06/2014)
03/06/2014	<u>17</u>	LETTER addressed to Judge Ronnie Abrams from Peter E. Calamari dated March 6, 2014 re: March 7, 2014, Status Conference. Document filed by Residential Funding Company, LLC. (Attachments: # <u>1</u> Chief Judge Preska's Amended Standing Order of Reference dated January 31, 2012, 12-MISC-00032)(Calamari, Peter) (Entered: 03/06/2014)
03/07/2014		Minute Entry for proceedings held before Judge Ronnie Abrams: Initial Pretrial Conference held on 3/7/2014. (arc) (Entered: 03/07/2014)
03/10/2014	<u>18</u>	ORDER: Plaintiff's amended complaint shall be filed by April 7, 2014. Defendant's response to Plaintiffs amended complaint shall be filed by May 20, 2014 and shall be in the form of an answer, an amended motion to dismiss, or a notification that Defendant intends to rely on its original motion to dismiss. If Defendant files a revised motion to dismiss or elects to rely on its original motion to dismiss, Plaintiffs opposition shall be filed by June 10, 2014, and Defendant's reply shall be filed by June 20, 2014. IT IS FURTHER ORDERED that Plaintiffs motion to refer this matter to bankruptcy court shall be filed by April 7, 2014, Defendant's opposition shall be filed by May 20, 2014, and Plaintiffs reply shall be filed by June 10, 2014. (Signed by Judge Ronnie Abrams on 3/10/2014) (ajs) (Entered: 03/10/2014)
03/11/2014	<u>19</u>	LETTER addressed to Judge Ronnie Abrams from Peter E. Calamari dated 3.11.14 re: Referral Motion Schedule. Document filed by Residential Funding Company, LLC.(Calamari, Peter) (Entered: 03/11/2014)
03/11/2014	<u>20</u>	LETTER addressed to Judge Ronnie Abrams from John P. Doherty dated March 11, 2014 re: In response to plaintiff's March 11, 2014 letter concerning scheduling. Document filed by Suntrust Mortgage, Inc..(Doherty, John) (Entered: 03/11/2014)
03/12/2014	<u>21</u>	ORDER granting <u>12</u> Motion for Jeffrey A. Lipps to Appear Pro Hac Vice (HEREBY ORDERED by Judge Ronnie Abrams)(Text Only Order) (Abrams, Ronnie) (Entered: 03/12/2014)
03/12/2014	<u>22</u>	MEMO ENDORSEMENT on re: <u>19</u> Letter filed by Residential Funding Company, LLC. ENDORSEMENT: Application denied. The parties shall adhere to the briefing schedule set forth in the Court's order of March 10, 2014. (Signed by Judge Ronnie Abrams on 3/12/2014) (lmb) (Entered: 03/12/2014)
03/13/2014	<u>23</u>	NOTICE OF APPEARANCE by John Patrick Sullivan on behalf of Residential Funding Company, LLC. (Sullivan, John) (Entered: 03/13/2014)
03/13/2014	<u>24</u>	NOTICE OF APPEARANCE by Nicholas David Smith on behalf of Residential Funding Company, LLC. (Smith, Nicholas) (Entered: 03/13/2014)

03/13/2014	<u>25</u>	NOTICE OF CHANGE OF ADDRESS by John Patrick Sullivan on behalf of Residential Funding Company, LLC. New Address: Quinn Emanuel Urquhart & Sullivan, LLP, 51 Madison Avenue, 22nd Fl., New York, New York, United States 10010, (212)849-7000. (Sullivan, John) (Entered: 03/13/2014)
03/18/2014	<u>26</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to 13-cv-08867 (RA). Document filed by Residential Funding Company, LLC. (Attachments: # <u>1</u> Exhibit to Residential Capital LLC's Related Case Statement)(Calamari, Peter) (Entered: 03/18/2014)
03/21/2014	<u>27</u>	LETTER addressed to Judge Ronnie Abrams from John P. Doherty dated 3/21/14 re: In Response to Plaintiff's Related Case Statement (Doc. No. 26). Document filed by Suntrust Mortgage, Inc..(Doherty, John) (Entered: 03/21/2014)
03/24/2014	<u>28</u>	LETTER addressed to Judge Ronnie Abrams from Peter E. Calamari dated March 24, 2014 re: Related-to Designation. Document filed by Residential Funding Company, LLC.(Calamari, Peter) (Entered: 03/24/2014)
03/26/2014	<u>29</u>	MEMO ENDORSEMENT on re: <u>28</u> Letter filed by Residential Funding Company, LLC. ENDORSEMENT: As No. 13 Civ. 8867 and No. 13 Civ. 8937 have both been closed, they "presumptively shall not be deemed related" to this action. See S.D.N.Y. Local Rule 13 (a) (2) (B). The Court will address RFC's request to refer the matter to Bankruptcy Court once RFC has filed its motion and briefing has been completed. (Signed by Judge Ronnie Abrams on 3/26/2014) (ajs) (Entered: 03/26/2014)
04/07/2014	<u>30</u>	MOTION to Reassign Case <i>NOTICE OF MOTION TO CONFIRM APPLICATION OF S.D.N.Y. STANDING ORDER OF AUTOMATIC REFERENCE TO BANKRUPTCY COURT</i> . Document filed by Residential Funding Company, LLC.(Calamari, Peter) (Entered: 04/07/2014)
04/07/2014	<u>31</u>	MEMORANDUM OF LAW in Support re: <u>30</u> MOTION to Reassign Case <i>NOTICE OF MOTION TO CONFIRM APPLICATION OF S.D.N.Y. STANDING ORDER OF AUTOMATIC REFERENCE TO BANKRUPTCY COURT</i> .. Document filed by Residential Funding Company, LLC. (Calamari, Peter) (Entered: 04/07/2014)
04/08/2014	<u>32</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against Suntrust Mortgage, Inc..Document filed by Residential Funding Company, LLC. Related document: <u>1</u> Complaint filed by Residential Funding Company, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Nesser, Isaac) (Entered: 04/08/2014)
05/13/2014	<u>33</u>	NOTICE OF APPEARANCE by James S D'Ambra, Jr on behalf of Suntrust Mortgage, Inc.. (D'Ambra, James) (Entered: 05/13/2014)
05/20/2014	<u>34</u>	MOTION to Dismiss <i>the Amended Complaint</i> . Document filed by Suntrust Mortgage, Inc..(Doherty, John) (Entered: 05/20/2014)
05/20/2014	<u>35</u>	DECLARATION of John P. Doherty in Support re: <u>34</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Suntrust Mortgage, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4 (Part 1), # <u>5</u> Exhibit 4 (Part 2), # <u>6</u> Exhibit 4 (Part 3), # <u>7</u> Exhibit 4 (Part 4), # <u>8</u> Exhibit 4 (Part 5), # <u>9</u> Exhibit 5, # <u>10</u> Exhibit 6, # <u>11</u> Exhibit 7, # <u>12</u> Exhibit 8, # <u>13</u> Exhibit 9)(Doherty, John) (Entered: 05/20/2014)
05/20/2014	<u>36</u>	MEMORANDUM OF LAW in Support re: <u>34</u> MOTION to Dismiss <i>the Amended Complaint</i> . . Document filed by Suntrust Mortgage, Inc.. (Doherty, John) (Entered: 05/20/2014)
05/20/2014	<u>37</u>	MEMORANDUM OF LAW in Opposition re: <u>30</u> MOTION to Reassign Case <i>NOTICE OF MOTION TO CONFIRM APPLICATION OF S.D.N.Y. STANDING ORDER OF AUTOMATIC REFERENCE TO BANKRUPTCY COURT</i> . . Document filed by Suntrust Mortgage, Inc.. (Doherty, John) (Entered: 05/20/2014)
06/10/2014	<u>38</u>	MEMORANDUM OF LAW in Opposition re: <u>34</u> MOTION to Dismiss <i>the Amended Complaint</i> . . Document filed by Residential Funding Company, LLC. (Calamari, Peter) (Entered: 06/10/2014)



06/10/2014	<u>39</u>	DECLARATION of ISAAC NESSER in Opposition re: <u>34</u> MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Residential Funding Company, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Calamari, Peter) (Entered: 06/10/2014)
06/10/2014	<u>40</u>	MEMORANDUM OF LAW in Support re: <u>30</u> MOTION to Reassign Case <i>NOTICE OF MOTION TO CONFIRM APPLICATION OF S.D.N.Y. STANDING ORDER OF AUTOMATIC REFERENCE TO BANKRUPTCY COURT</i> . . Document filed by Residential Funding Company, LLC. (Calamari, Peter) (Entered: 06/10/2014)
06/20/2014	<u>41</u>	REPLY MEMORANDUM OF LAW in Support re: <u>34</u> MOTION to Dismiss <i>the Amended Complaint</i> . . Document filed by Suntrust Mortgage, Inc.. (Doherty, John) (Entered: 06/20/2014)
07/03/2014	<u>42</u>	MEMORANDUM OPINION AND ORDER #104483: re: <u>34</u> MOTION to Dismiss <i>the Amended Complaint</i> . filed by Suntrust Mortgage, Inc., <u>30</u> MOTION to Reassign Case <i>NOTICE OF MOTION TO CONFIRM APPLICATION OF S.D.N.Y. STANDING ORDER OF AUTOMATIC REFERENCE TO BANKRUPTCY COURT</i> . filed by Residential Funding Company, LLC.For the foregoing reasons, the Standing Order governs this matter and it is hereby referred to the Bankruptcy Court. SunTrust's motion to dismiss is thus denied as moot. The Clerk of Court is respectfully directed to close the motions pending at docket numbers 30 and 34 and to close the case. (Signed by Judge Ronnie Abrams on 7/3/2014) (js) Modified on 7/3/2014 (js). Modified on 7/9/2014 (ca). (Entered: 07/03/2014)
07/03/2014		(Court only) ***Civil Case Terminated.*** (js) (Entered: 07/03/2014)
07/03/2014		Transmission to the Case Openings Clerk. Transmitted re: <u>42</u> Memorandum & Opinion, to the Case Openings Clerk for case processing. (tro) (Entered: 07/29/2014)
07/03/2014		CASE TRANSFERRED OUT from the U.S.D.C. Southern District of New York to the United States Bankruptcy Court – Southern District of New York. (laq) (Entered: 07/30/2014)
07/07/2014	<u>43</u>	LETTER addressed to Judge Ronnie Abrams from John P. Doherty dated July 7, 2014 re: requesting clarification of order dated July 3, 2014. Document filed by Suntrust Mortgage, Inc..(Doherty, John) (Entered: 07/07/2014)
07/07/2014	<u>44</u>	MEMO ENDORSEMENT on re: <u>43</u> Letter filed by Suntrust Mortgage, Inc. ENDORSEMENT: Application granted. The Clerk of Court is directed to reopen the Motion to Dismiss at docket number 34, so that it can be addressed by the Bankruptcy Court. So ordered. (Signed by Judge Ronnie Abrams on 7/7/2014) (rjm) (Entered: 07/08/2014)
07/07/2014		(Court only) ***Reopen Document <u>34</u> MOTION to Dismiss <i>the Amended Complaint</i> filed by Suntrust Mortgage, Inc. (rjm) (Entered: 07/08/2014)